IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF OHIO EASTERN DIVISION

UNITED STATES OF AMERICA,

:

Plaintiff,

: 2:21-cr-00089

vs. : JUDGE MORRISON

:

JAMES V. BARLOW, et al., :

•

Defendants.

JAMES BARLOW'S RESPONSE TO UNITED STATES' MOTION FOR A PRELIMINARY ORDER OF FORFEITURE

Defendant, James Barlow, responds to the Government's Motion for forfeiture by providing the Court with information showing that Mr. Barlow acquired some of the items the Governments seeks to have forfeited before formation of the DTO, and were not used to commit or facilitate the commission of the crimes he has pleaded guilty to.

Memorandum

I. Background

Mr. Barlow has always been upfront with the government regarding his position regarding the forfeiture allegation. He notified the government that he purchased some of the cryptocurrency before he formed the DTO. He also advised the government that in addition to his own legitimately purchased 'clean' cryptocurrency, he separately maintained an investment portfolio for

friends and family that bought and sold different cryptocurrencies similar to a hedge fund for cryptocurrency, and that 'index fund' of cryptocurrency was not his but belonged to innocent third parties who entrusted Mr. Barlow to invest and manage the cryptocurrency investment on their behalf.

Mr. Barlow informed the government of the above facts at their first meeting on April 29, 2021, and maintained these positions at each subsequent meeting with the government including on August 31, 2021, and October 26, 2021. He has also forwarded, through counsel, proof of purchase and deposit receipts for cryptocurrency purchased long before the DTO began. See attached Exhibit A - emails forwarded to AUSA Hunter on August 31, 2021, showing purchase of Bitcoin pre-DTO.

In addition, Mr. Barlow raised this issue at his change of plea hearing, indicating he would argue at sentencing that the government's money laundering figure improperly included cryptocurrency unrelated to the charged DTO, as some of the cryptocurrency was legitimate pre-DTO cryptocurrency, and some was being traded on behalf of innocent third parties (the index fund).

To effectively argue that some of the cryptocurrency on the forfeiture list should be removed as it was not part of the DTO or money laundering, Mr. Barlow has repeatedly asked for the return of digital devices seized during a search warrant that are necessary to forensically analyze his cryptocurrency purchase and trading history. However, although AUSA Hunter has been

amenable to the return of the devices, the agents who possess the devices in their evidence storage, refuse to return the devices to Mr. Barlow, even though only one of the requested devices is listed to be forfeited.

Rather than return the devices to Mr. Barlow, the agents instead offered him the option of travelling to Ohio to visit their evidence storage location to access the devices under an agent's watchful eye. This option is not feasible for a few reasons. First, Mr. Barlow lacks the means to spend the one to two weeks in Ohio staying at a hotel, with airfare and meals, that would be necessary to fully review and obtain the data necessary to make his arguments from these devices. Additionally, his analysis would need to be done in cooperation with an expert in forensic tracing of cryptocurrency who resides out of the country, which would be problematic because the agents would restrict Mr. Barlow's access to their internet network, which would be necessary for Mr. Barlow to communicate with this expert in real-time.

Without access to the devices necessary to accomplish a forensic tracing of the cryptocurrency purchase and trading history, Mr. Barlow has been handicapped in his ability to fight the forfeiture allegations but has diligently made efforts to recreate what he could using emails and spreadsheets he maintained; these form the basis of his opposition to forfeiture of some of the cryptocurrency.

II. Argument

A. Mr. Barlow did not agree to forfeit all cryptocurrency listed in the plea agreement

The government argues under 18 U.S.C. § 982 and 21 U.S.C. § 853, that all cryptocurrency listed on the forfeiture list was "... any property, real or personal, involved in such offense, or property traceable to such property." 18 U.S.C. § 982(a)(1) and that "... (1) any property constituting, or derived from, any proceeds the person obtained, directly or indirectly. As the result of such violation; (2) any of the person's property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation." 21 U.S.C. § 853(a)(1) and (2).

The government's argument is based upon the plea agreement in which Mr. Barlow 'agrees' that the listed items were indeed such property and should be forfeited. But Mr. Barlow has maintained at every step of the process and at every interaction with agents and the AUSA that he would be arguing the legitimacy of some of the cryptocurrency listed (but would need access to the devices to provide supporting evidence). Therefore, his 'agreement' that the property was forfeitable in the plea agreement was made with a large caveat. This agreement was made with the expectation that Mr. Barlow would be allowed to argue for the legitimacy of some of the cryptocurrency and would be allowed access to the devices to gather evidence in support of his argument.

B. Mr. Barlow's argument regarding pre-DTO cryptocurrency purchase and trading

Mr. Barlow has done the best he could with the resources at his disposal, without access to the devices held by agents, to produce a report and analysis of any cryptocurrency he purchased pre-DTO, with supporting information regarding purchase dates and means. *See* Exhibit B attached hereto with his report. While the report is complicated, I will do my best to summarize it:

- Mr. Barlow began purchasing cryptocurrency in Dec 2012 including buying approx. 18.5 bitcoin from Mr. Nicholas Quick and approx. 715.3 bitcoin from Mr. Tyson Quick. Both of these individuals are willing to testify they sold Mr. Barlow this bitcoin and approximately when they did so. Exhibit B pgs. 2 and 7.
- Mr. Barlow also mined bitcoin from Jan 2013-Mar 2014 totaling approx. 15 bitcoin. This end date is supported by the report (Exhibit B pgs. 2, 5 and 6) which shows an eBay auction of Mr. Barlow's bitcoin miner which he sold on eBay.
- Mr. Barlow purchased 130 bitcoin on the website
 Bitstamp/Bitinstant from Jan 2013- Dec 2013. See Exhibit B pgs.
 2 and 7.
- Mr. Barlow purchased bitcoin on Mt. Gox including approx. 58.5
 bitcoin. See Exhibit B pgs. 2 4.

Mr. Barlow purchased 1 bitcoin on Coinbase-Buy in October 2013.
 See Exhibit B pgs. 2 and 8.

In total, Mr. Barlow purchased approximately 938.4 bitcoin between Dec 2012 and Mar 2014. Since the DTO began in late 2014, these purchases all predate the DTO, were not used to startup or facilitate the DTO, and sales of these bitcoin were used to purchase other crypto (listed below); real property in Brighton, Colorado; a Tesla; a computer; and to fund the Wealthfront account.

All of these purchases were separate from, and were not used in or commingled with, proceeds of the DTO; nor were they used to assist in laundering illicit DTO crypt. Therefore, they are not forfeitable under the statues. In turn, these assets should be returned to Mr. Barlow in the form of:

- Real Property in Brighton Colorado known and numbered as 13100 Cameron Drive, Brighton, Adams County, Colorado
 - SECT, TWN, RNG: 28-1-66 DESC: FRACTION W2 SEC LYING N OF BURLINGTON DT AND S AND E OF ROW OF C B AND Q RR AND W OF OUTER TOE OF BARR LAKE EMBANKMENT EXC ROW AND EXC HWY, COUNTY OF ADAMS, STATE OF COLORADO

• Cardano

449,981.826359 ADA - wallet address – addr1qxns73wmt0mnzyqwzu5673fz8q3708aa5qs40f7vqa a8c99mdlvxush90g7nqnznzv6z6auw2tnyymglygj7d8v0a vespkvcdf

Polkadot

 \circ 9,741.7 DOT – wallet address – 1EqBkL . . .jmmvbT

Wrapped Bitcoin

o 25.82277282 wBTC – wallet address 0xe1acacb024e2553e21fbf20d94ca45f7113c4154

Again, these items were purchased with the unspent remains of the approximately 930 bitcoin that Mr. Barlow purchased or mined between 2012 and 2014 (prior to the start of the DTO).

C. Mr. Barlow's argument regarding the index fund

Mr. Barlow regularly traded cryptocurrency, and like a day trader of stocks he used a spreadsheet to track changes in price for each of the 19 different cryptocurrencies he treaded beginning in 2017. He had an algorithm that he designed that tracked changes and bought and sold each of the 19 cryptocurrencies accordingly, making a profit doing so. He eventually talked about this with friends and family, after which they decided to invest in this cryptocurrency portfolio and authorized Mr. Barlow to handle the investment choices on their behalf, like a hedge fund manager.

When he surrendered access to all his cryptocurrency wallets to the government, he made it very clear that some of it was an index fund that he was investing on behalf of other individuals who have no connection with this case. See attached Exhibit C for an explanation of the index fund. The government should return those cryptocurrency wallets, either to him to return to the individual investors, or to the investors themselves (although

some of them do not have the technical know-how to deal with or liquidate a wallet without his assistance).

Exhibit C contains a list of the individual wallets for each of the cryptocurrencies he was investing on behalf of the index fund individuals. It also contains a list of pro-rata ownership of each wallet based on amount invested if the government prefers to return the seized assets to the individuals directly.

These funds were never part of, or used in the furtherance of, the DTO and should be returned to Mr. Barlow so he can return the cryptocurrency to his investors, all of whom are innocent third-parties unconnected to this case. See below for a chart which is part of Exhibit C, and Exhibit D for a breakdown of individual investment and corresponding stake in each cryptocurrency:

Total Coins		
		DOJ: PLEASE RETURN THE FUNDS TO THE FOLLOWING ADDRESSES. I WILL LIQUIDATE TO BTC AND DISTRIBUTE THE SUMS TO RIGHTFUL OWNERS.
26.90996146	wBTC (on Ethereum)	0xDe4D2E9B03413b62f57fA7792B73fA51857EABC2
25.53245664	ETH (on Ethereum)	0xDe4D2E9B03413b62f57fA7792B73fA51857EABC2
175.139117	BNB (on Binance Smart Chain)	0xDe4D2E9B03413b62f57fA7792B73fA51857EABC2
1003546.046	Cardano	addr1q9ju6q82mmn3nea5gndfwe5kx7zek07rdyh6jmhj59xsy 3n9e5qw4hh8r8nmg3x6janfvdu9nvlux6f049h09g2dqfrqtjq0a5
11092.26642	Polkadot	15vPthGub9eYWUH4A2ba2VDDXLsh2QJmYXd25NuuzTLg SH2g
51348.46693	XRP	rfPJw4Awr1XSkA8Ko1krYqHRwi8husr75m
217.0544918	Litecoin	LSiVy7oQFLXySifxHjQZZWj3qdg22ZFjf6
478.5856	LINK (on Ethereum)	0xDe4D2E9B03413b62f57fA7792B73fA51857EABC2
20.7469964	Bitcoin Cash	qpy6ru63k2j4s39km4z0qpu3ngdgc05f9ujt4c6prt
25866.15181	Stellar	GBHJTOCWNMMUSZH6WSYSJE4OPBFOETDA3Z2E5UR UE6JVDP7Q7KQIWBW5
74078.535	VeChain	0x87373Cec91834CF0525d812f3321AE22E9770b38
3105.3	CRO (on Ethereum)	0xDe4D2E9B03413b62f57fA7792B73fA51857EABC2

III. Conclusion

For the above reasons, and the corresponding attachments in support, it is clear Mr. Barlow acquired the specified assets pre-DTO and they were not commingled with, or used in furtherance of, the DTO or money laundering. They should therefore be returned to Mr. Barlow.

Respectfully submitted,

/s/ Christopher Mishler
Christopher Mishler. Esq (NV 14402)
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Las Vegas, NV 89128
(702) 816-2200
CMishler@BrownMishler.com
Attorney for Defendant James Barlow

CERTIFICATE OF SERVICE

The Undersigned hereby certifies that a copy of the foregoing Motion was served upon Mike Hunter, Esq., attorney for Plaintiff, by email on this $28^{\rm th}$ day of November, 2022.

<u>/s/ Christopher Mishler</u> Christopher Mishler (NV14402)

EXHIBIT A

From: Chris Mishler

Subject: Fwd: [Mt.Gox] Not ficat on: Trade(s) Executed

Date: August 31, 2021 at 10:50 AM

To: M chae Hunter 2

Sent from my Phone

Beg n forwarded message:

From: J m Bar ow

Date: August 31, 2021 at 1:48:01 PM EDT

To: cm sh e

Subject: Fwd: [Mt.Gox] Notification: Trade(s) Executed

-------Forwarded message -------From: Mt.Gox < nfo@mtgox.com>
Date: Sat, Apr 13, 2013 at 7:07 AM

Subject: [Mt.Gox] Not ficat on: Trade(s) Executed

To: andm ne76 < mtgox@j mbar ow.net>

Dear andm ne76,

There has been new act v ty on your Mt.Gox account.

A summary of your recent trade(s) s prov ded be ow.

Trade Deta s

Bd(s) (Buy)

Order F ed at: Thu 11 Apr 2013 01:48:15 PM GMT

Amount: 0.68665520 BTC Pr ce: @\$121.01000 Tota: \$83.09215

Order F ed at: Thu 11 Apr 2013 01:48:15 PM GMT

Amount: 8.40350260 BTC Pr ce: @\$121.01000 Tota: \$1,016.90785

Happy Trad ng,

- The Mt.Gox Team

From: Chris Mishler

Subject: Fwd: [Mt.Gox] Not ficat on: Trade(s) Executed

Date: August 31, 2021 at 10:51 AM

To: M chae Hunter 2

Sent from my Phone

Beg n forwarded message:

From: J m Bar ow <j m.v.bar ow@gma .com> Date: August 31, 2021 at 1:48:33 PM EDT

To: cm sh er

Subject: Fwd: [Mt.Gox] Notification: Trade(s) Executed

------Forwarded message ------From: **Mt.Gox** < nfo@mtgox.com>
Date: Wed, Apr 24, 2013 at 7:26 PM

Subject: [Mt.Gox] Not ficat on: Trade(s) Executed

To: andm ne76 < mtgox@j mbar ow.net>

Dear andm ne76,

There has been new act v ty on your Mt.Gox account.

A summary of your recent trade(s) s prov ded be ow.

Trade Deta s

Bd(s) (Buy)

Order F ed at: Tue 16 Apr 2013 03:30:46 AM GMT

Amount: 7.27270000 BTC Pr ce: @\$68.75000 Tota: \$499.99813

Happy Trad ng,

- The Mt.Gox Team

EXHIBIT B

Synopsis of Pre-DTO (legitimate) Cryptocurrency held by DOJ

Abstract:

Mr James BARLOW bought his first Bitcoin(s) in December 2012. He continued to buy/sell cryptocurrencies for a year and a half before the August 2014 starting what grew into the Drug Trafficking Organization (DTO) known as "TripWithScience" and later also "PerfectShrooms." All of BARLOW's cryptocurrencies, including licit and illicit funds were turned over to the DOJ during a proffer session in May 2021. This document intends to show that the legal/licit cryptocurrencies ended up in a MakerDAO smart contract that was used as collateral for various loans.

List of assets BARLOW is requesting to be removed from forfeiture, with CURRENT USD value:

- 1. 449,981.8264 ADA (\$ 141,726)
- 2. 9,741.7 DOT (\$ 50,045)
- 3. Brighton, Colorado LAND (\$1,136,500)
- 4. 25.82277282 wBTC (\$426,098)

These assets were purchased with the unspent remnants of the ~930 BTC that BARLOW acquired in 2012, 2013, and 2014 prior to the start of the DTO.

Calculations below came from <u>this spreadsheet</u>, which can be checked for additional information and explanation.

Forfeitures	Value April 2021	Value Nov 2022	
Colorado Land	\$1,400,000	\$1,136,500	
ADA (449k)	\$651,694	\$136,935	
DOT (9.7k)	\$385,899	\$50,045	
MakerDAO	\$4,815,203	\$426,098	
Crypto Misc	\$3,331,192	\$573,849	
Celsius 73 BTC	\$4,017,675	\$1,170,811	

Total	\$15,370,960	\$4,253,535
Asus Computer	\$1,560	\$1,560
Wealthfront	\$687,738	\$687,738
Tesla Vehicle	\$80,000	\$70,000

OVERVIEW: Sources of Bitcoin/Cryptocurrency prior to starting the DTO

TIME PERIOD	SOURCE	TOTALS
Dec 2012	LocalBitcoins	18.51851852
Jan 2013	LocalBitcoins	715.3426754
Jan 2013-Mar 2014	MINING	15
Jan-Mar 2013	Bitstamp/Bitinstant	100
Mar-May 2013	Mt. Gox	58.53125530
May-Dec 2013	Bitinstant/Bitstamp	30
Oct 2013	Coinbase-Buy	1.00000000
August 2014	Start of DTO	
Estimated+Do	938.4	
	Documented (for now) Total:	59.53125530

Legend of strength of evidence (as contained in THIS document and accompanying spreadsheet. More solid evidence is available [see below])):

Estimated (with circumstantial evidence)

Documented (with reasonable evidence)

Estimated (with reasonable evidence)

Exact & Documented

Evidence stored with Homeland Security

At the time of this writing (November 2022) some of this evidence is color-coded as "estimated." The cryptocurrency wallets that have blockchain proof of 1) initial bitcoin purchases, and 2) the transactions linking those coins with the current assets are found on the hard drives of various laptops that were seized at the time of BARLOW's arrest. The prosecution and DOJ have agreed that these electronics are not subject to forfeiture, and will be returned to Mr. BARLOW eventually. Mr. BARLOW strongly asserts that if the evidence below seems inadequate, then he be allowed to access those devices to give harder proof.

Section 1: Provenance of pre-DTO (legal) Bitcoin/Cryptocurrency

Section 1.a Mt.Gox Exact & Documented

Hard Evidence of Mr. BARLOW purchasing **59.53125530 BTC** in March 2013 (over a year before the start of DTO)

Bitcoin Purchased by account bb64113c-b15f-4e46-8a49-7a2d63b31d111:

Wallet	Entry	Date	Operati on	Amount
bb64113c-b15f-4e46-8a49-	735cac74-371a-4854-a0e5-	"2013-03-09	withdra	-1
7a2d63b31d11	6c59bd861083	06:39:43"	w	
bb64113c-b15f-4e46-8a49-	93786946-1479-4997-8cf0-	"2013-03-09	withdra	-10.47
7a2d63b31d11	45c4af32ee52	07:49:21"	w	
bb64113c-b15f-4e46-8a49-	741c4b84-9932-4839-a40f-	"2013-03-19	withdra	8.7457908
7a2d63b31d11	288d5bee7b6c	20:04:33"	w	3
bb64113c-b15f-4e46-8a49-	709c5bcf-ce8e-40b0-a227-	"2013-04-08	withdra	-0.7017826
7a2d63b31d11	9617239afad6	12:06:11"	w	
bb64113c-b15f-4e46-8a49-	43760758-003c-4dd3-a8d9-	"2013-04-09	withdra	-5.316406
7a2d63b31d11	718a5da9a518	05:28:16"	w	
bb64113c-b15f-4e46-8a49-	6e5a5a25-10dc-48c2-aff3-	"2013-04-11	withdra	9.0351368
7a2d63b31d11	f0fd40bad450	23:45:55"	w	9
bb64113c-b15f-4e46-8a49-	475caa79-1b9f-4d18-b2eb-	"2013-04-16	withdra	-7.2285638
7a2d63b31d11	0d4d91946b98	03:32:08"	w	
bb64113c-b15f-4e46-8a49-	ae43e195-dd46-42d6-8389-	"2013-05-03	withdra	-8.946
7a2d63b31d11	7d361119d41d	11:05:13"	w	
bb64113c-b15f-4e46-8a49-	23871da7-6db8-479c-9155-	"2013-05-07	withdra	7.0875751
7a2d63b31d11	2c87c7ec3002	22:54:07"	w	8
			Total:	58.53125 53

¹ The Mt.Gox database of all transactions are publicly verifiable on any copy of the "leaked" Mt. Gox database. A copy can be found at https://archive.org/details/MtGox2014Leak

Proof that account bb64113c-b15f-4e46-8a49-7a2d63b31d11 was owned by Mr. BARLOW can be found here.

Section 1.b Bitcoin/Litecoin mining

Estimated (with reasonable evidence)

January 2013	First Bitcoin Mining Machine Purchased	[email not available, but Mr. Barlow is still in possession of this miner]
27 January 2013	Joined Bitcoin Mining Pool	<u>EMAIL</u>
	Joined Fast-Pool.com	[email not available]
30 January 2013	Wrote to business partner about my productivity for the day, said this in the	23:30:00 REad about bitcoins, the future of the bitcoin economy, and the profitability of mining them. Damn, that's fascinating.
Late 2013	Bought Antminer S1	
15 March 2014	SOLD Bitcoin Miner	[screenshot]

Your eBay item sold! Dualminer USB Bitcoin/Litecoin/Dogecoin Scrypt ASIC Miner US ship New, TESTED! (301124519092)

eBay <ebay@ebay.com>

Sat, Mar 15, 2014, 2:40 PM





to ebay2 🔻

eBay sent this message to Jim Barlow (royalbowmen).

Your registered name is included to show this message originated from eBay. Learn more.

Congratulations, your item sold!

Dear royalbowmen,

Provide shipping information

You did it! Your item sold. Please ship this item to the buyer after your buyer pays. As soon as your buyer pays, print your eBay shipping label.

Go to My eBay

Complete one of the following:

- Print a shipping label. Avoid a trip to the post office, print and pay for your label at home. Printing shipping
 labels on eBay also offers you reduced pricing on some shipping services, and when you print shipping
 labels on eBay, your tracking information is uploaded automatically.
- Provide shipping and tracking information. When you upload tracking information to eBay, we'll send it to
 your buyer and let them know the item is on its way. This will save you time, and may result in fewer
 questions from buyers and higher detailed seller ratings.
- Mark your item as shipped in My eBay. Do this, and we'll let your buyer know the item is on its way. This will
 save you time, and may result in fewer questions from buyers and higher detailed seller ratings.

While you're establishing a successful selling track record, access to funds from buyer payments has been delayed. You may be able to get the funds sooner by printing a shipping label on eBay. Learn more.

You should always leave feedback for your buyer to encourage them to buy from you again.

<u>Dualminer USB Bitcoin/Litecoin/Dogecoin Scrypt ASIC Miner US ship New, TESTED!</u>

Sale price: \$109.00
Quantity sold: 1

Sale date: Mar-15-14 13:40:33 PDT

Buyer: Steve Christou

schristou66 (schristou88@gmail.com) [contact buyer]

Sell another Item | Send invoice to buyer

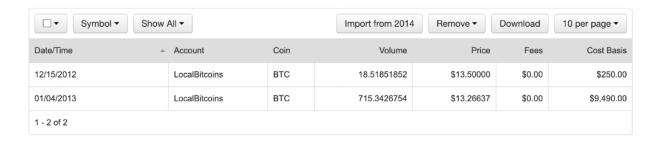
SUMMARY: This documents that Mr. BARLOW was in possession of at least one Bitcoin miner, and talked about owning more than one bitcoin miner to friends. Given the hashrate of these bitcoin miners, and the time period (early 2013), one would expect that if these miners were plugged in and running, their owner would reasonably be expected to have ~15 bitcoin mined during 2013 before the hash rate rose enough to make these miners unprofitable.

Mr. BARLOW believes that the empty Bitcoin wallets that would show the exact date of deposits and bitcoin generated by these miners still reside on the non-forfeited laptops currently stored with Homeland Security.

Section 1.c Localbitcoins.com

Documented (with reasonable evidence)

Mr. BARLOW purchased his first Bitcoin through Localbitcoins.com where he met with two individuals. One in San Francisco, and another in Las Vegas.



Further support of these transactions could be entered into the record by the witnesses of these transactions, Mr. NICHOLAS QUICK, and Mr. TYSON QUICK. They have agreed to testify or write sworn statements.

Section 1.d Bitstamp/Bitinstant

Mr. BARLOW estimates the following amount of bitcoin purchased, over several transactions::

Jan-Mar 2013	Bitstamp/Bitinstant	100
May-Dec 2013	Bitinstant/Bitstamp	30

BARLOW does not recall exact dates or amounts. Only that these websites were used during that period.

Mr. BARLOW believes that the Logins/Passwords to the bitstamp.com and the bitinstant.com accounts, as well as the email account(s) holding receipts of these transactions can be found on the laptops stored with Homeland Security.

Section 1 Addendum: Description of Bitcoin-owning Consistent Behavior

Statement by Mr. BARLOW:

Even ignoring the details of the purchases outlined above, there's another avenue that lends credulity to the claim that I had bought hundreds of bitcoin in early 2013: How vocal I was with friends about my purchases.

2013 and 2014 were exciting times for me. I felt I had struck gold with my initial bitcoin purchases, and spent most of my free time reading bitcoin blogs, going to meetups, and learning the math necessary to understand all of the 'whitepapers' of the bigger cryptocurrencies.

I talked about bitcoin to anyone that would listen. I spent entire parties where I cornered some poor friend who was polite enough to listen patiently while I waved my arms around and talked about how this money system would take power away from fascist governments and dictators, revolutionize the world's monetary system, and give the poorest 80% of the world's population access to the same sophisticated monetary tools currently only available to the upper echelons of the wealthy western countries. I'm surprised that I was ever invited back.

I started a bitcoin magazine (bitciontimes.com), and asked my friends to pay me anything they owed me in bitcoin. I was the most outspoken "bitcoin guy" in my extended friend group. I posted about it on facebook. I called friends and gave away a LOT of bitcoin as gifts just to get others excited as I was. I wrote a LOT of emails talking about bitcoin, mentioning what I had purchased, and that I intended to acquire more.

I submit that all of my interactions and behavior during this time period is NOT consistent with someone who was "thinking about buying some" bitcoin, but rather reflects a giddy zealot who already owned a LOT of bitcoin, and wanted to share his good fortune with others.

Section 2: From Bitcoin Wallet to MakerDAO

Out of the ~900+ Bitcoin purchased in 2012-2014, 150 were left unspent/unsold by January 2021. From here on out, the chain of provenance is easy to demonstrate.

Section 2.a: From Bitcoin -> Binance.com

BARLOW moved 150 BTC from his Electrum Bitcoin Wallet to the Binance.com exchange at the end of January 2021. These transactions are viewable on the Bitcoin Blockchain:

1/27/21 50 BTC: c9bdcd5b661151ab93c9e8029f061d40c8a44902155bde965bd1ac72841fbdbd 1/27/21 50 BTC: 126db8281556a7fab37012392aa4c53c85eab47b95a6f99f862f48bea3154630 1/29/21 50 BTC: 1e44a344d574ef06733b3a916fee3bfbb066f0e88b61702f1c5d8f5fd099bc87

These transactions can be checked with Blockchain databases, some of which use Artificial Intelligence (AI) to find links between known criminal addresses and any given transaction. One such company is Chainalysis.com, and the Homeland Security agents involved in BARLOW's case have access to this tool. They would have entered all illicit wallets related to this and other cases into the known database. A search would be able to establish that there is no link between wallets used for Darknet activity, and these three transactions.

Section 2.b: from Binance.com -> MakerDAO

On Binance.com the 150 Bitcoin (BTC) were converted to 150 Wrapped Bitcoin (wBTC) so they could be used on the Ethereum blockchain.

These 150 wBTC were deposited into a MakerDAO "Smart Contract" - This is a computer program residing on the Ethereum Blockchain that allows cryptocurrencies (such as wBTC) to be deposited and locked as collateral, against which users can take out loans.

150 wBTC -> MakerDAO

- 1. https://etherscan.io/tx/0xb6e2439c5a9a6d7e1e576a9a51a3daa9efe6c38e71cd9d0177b 195bf835265ce
- 2. https://etherscan.io/tx/0xe64d6110969017f8a0f4d852b70113cfa3acf6a1a8064659918d2 a55308228cc

Mr. BARLOW's MakerDAO vault is publicly visible as "Vault 20240"

With these 150 wBTC (worth \$7MM at the time) locked as collateral, Mr. BARLOW took out many loans over the course of the next few months, generating over \$3MM in debt.

The Vault's entire transaction history is below. (Note "DAI" is a cryptocurrency worth one dollar. 1 DAI = \$1 USD)

Vault History

Withdrew 25.82 WBTC from Vault	Jun 03, 2021, 9:49am 🗸
Deposited 25.82 WBTC into Vault	Jun 03, 2021, 9:45am 🗸
Auction #66 finished, 25.82 WBTC remained	May 23, 2021, 8:55am 🗸
Auction #66 started, 140.90 WBTC taken to cover 3.61M Dai	May 23, 2021, 8:01am 🗸
Generated 335,000.00 Dai from Vault	Apr 03, 2021, 10:51pm 🗸
Withdrew 1.0000 WBTC from Vault	Apr 03, 2021, 8:45pm 🗸
Generated 20,000.24 Dai from Vault	Apr 02, 2021, 5:23pm 🗸
Generated 1.00M Dai from Vault	Mar 09, 2021, 11:00am 🗸
Generated 10,000.01 Dai from Vault	Mar 08, 2021, 2:51pm 🗸
Withdrew 11.00 WBTC from Vault	Mar 07, 2021, 3:54pm 🗸
Generated 274,005.54 Dai from Vault	Feb 24, 2021, 3:00pm 🗸
Generated 31,000.62 Dai from Vault	Feb 24, 2021, 2:58pm ∨
Payback 69,220.54 Dai to Vault	Feb 22, 2021, 3:31pm ∨
Generated 1.54M Dai from Vault	Feb 02, 2021, 7:54pm ∨
Deposited 50.00 WBTC into Vault	Jan 29, 2021, 4:15pm 🗸
Deposited 101.00 WBTC into Vault	Jan 28, 2021, 10:10am 🗸
Generated 20,000.02 Dai from Vault	Jan 25, 2021, 9:15pm 🗸
Deposited 1.9000 WBTC into Vault	Jan 25, 2021, 9:15pm 🗸
Opened a new Vault with id #20240	Jan 25, 2021, 9:15pm ∨

Dates/amounts of note (starting with the oldest)

- 1. Generated 1.54M Dai from Vault Feb 02, 2021
 - Used to purchase COLORADO LAND 13100 Cameron Dr, Brighton, CO 80603
- 2. Generated 31,000.63 Dai from Vault Feb 24, 2021
 - Used to purchase 9,741.7 DOT
 0x2c250830ab85e410edab7df6e5aff470b2686f5cfbd8edba63dae56849d68eca
- 3. Generated 274,005.54 Dai from Vault Feb 24, 2021. Purchased:
 - 2/16/2021 84,166 ADA
 5b5cb3ae4bbb7b71e4426a63ca996c2b8ea796ddf0ab15ed05663230808c312b
 - 3/18/2021 54,675 ADA
 3/3c446dc0c99af240eb2b1944bc1cb74f8100a82ee0ca569ea1148d154887b7
 - 3/18/2021 75,974 ADA
 671929a899d77251e05bbb5b393c8317d79552d3ad6d17da32523a302f3c7df7
 - 4/3/2021 283,999 ADA
 15fe3b1e2b45894896da8468a60dbb49a2873cfee09c406eaab396f8299b

 6e71
- 4. Auction #66 Finished, 25.82 WBTC remained
 - The smart contract self-liquidated and sold 115.08 WBTC to pay off the debt of all loans taken out during the life of this MakerDAO Vault.

The 4 loans/withdrawals above correspond to the 4 items that Mr. BARLOW is requesting to be excluded from forfeiture.

APPENDIX A: WHY THE CRYPTO COMMUNITY RECOMMENDS "MIXING" LEGAL COINS

This document intends to explain why Law-abiding citizens are encouraged by the Bitcoin community to use Cryptocurrency tumblers and CoinJoin transactions to obfuscate their LEGAL coins before spending them, transferring wallets, or putting them into storage.

This document presumes that the Court is not familiar with these reasons, and has only a rudimentary understanding of how the Bitcoin Blockchain can be used to trace transactions.

Bitcoin is NOT Private

The privacy/security flaws in bitcoin have been well-known since its inception, and when I first started legally buying bitcoin back in 2012 I tried to follow the "best practices" recommended on all the forums, which were:

- Use separate wallets for savings and spending
- Set preferences in wallets to use "change addresses."
- Never re-use an address
- Send coins through a tumbler/mixer when moving from spending and saving wallets

Bitcoin is not an anonymous cryptocurrency, it is *pseudonymous*. Even the smallest fraction of a coin can be traced precisely from the moment of its creation to any address it was stored on. These transactions are permanent, indelible, and publicly visible in perpetuity.

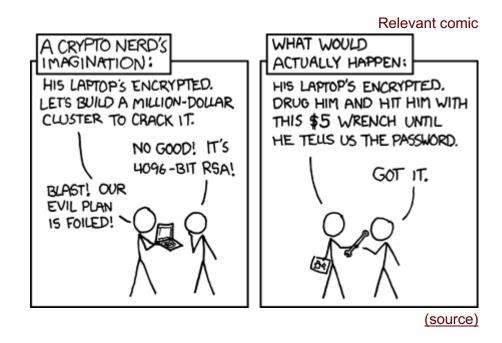
Dangers of spending un-mixed coins

Once someone knows your bitcoin address, they can track that your money in perpetuity until you either send it to an exchange, or use a bitcoin mixer/tumbler.

Imagine having a checkbook that has your full account balance printed on every check. And what's more, anyone who has ever even SEEN one of your checks can look up your full transaction history, and the ability to see your future account history whenever they choose...!

Hypothetical: The Mobster Taco Truck

Imagine a taco truck that sets up shop in a wealthy neighborhood, and they accept bitcoin. Every time a customer spends bitcoin at this truck, the operators can see the balance of the address they spent FROM. An unscrupulous vendor could lie in wait for anyone foolish enough to spend from an address that held thousands of dollars....

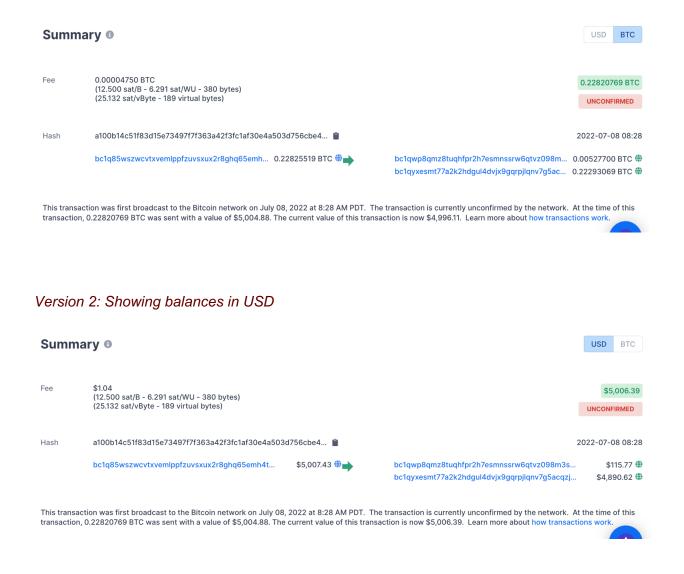


Spending cryptocurrencies in the real world leaves one open to what is tongue-in-cheek referred to as a "wrench attack"

UTXO Vulnerability

Take <u>this transaction</u> that just appeared in the blockchain mempool as I was writing this sentence. I don't know who this person is, but I already know more than they would like about their finances:

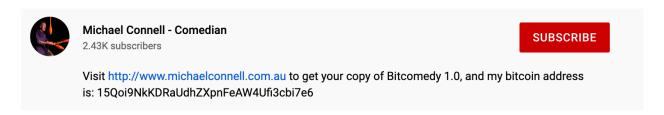
Version 1: showing balances in Bitcoin



This individual bought *something* for \$115.77. And the account they spent from started out with \$5000 in it, and after that transaction they are sitting on \$4,890.

Example: The privacy of Comedian Michael Connell

Back in 2013, Comedian Michael Connel uploaded <u>one of his performances</u> to YouTube, and in the video he embedded his personal BTC address for tips in the video description:



Now the address 15Qoi9NkKDRaUdhZXpnFeAW4Ufi3cbi7e6 is publicly 'known' to belong to Mr. Connell.

Anyone who <u>downloads the blockchain</u>, or uses <u>one</u> of the <u>many</u>, <u>many</u>, <u>many</u>, <u>many</u> different blockchain explorers can see every donation ever made to him, when he spends his money, and most alarmingly for his privacy, WHERE he spends it.

Conclusion

Bitcoin is a fascinating protocol and product, but it's best to use recommended privacy practices if you plan on spending it in the real world. Stay safe and have fun!

EXHIBIT C

Explanation of index fund:

Back in 2017 I started tracking an "index fund" of the top 20 cryptocurrencies. I later reduced it to just the top 19. Every month I'd look at the top 19 cryptocurrencies by Market Capitalization and I'd "rebalance" the fund according to proportional math.

I created a spreadsheet to track the entire index fund:

https://docs.google.com/spreadsheets/d/1oGMR2gRsRzSVvWxbC5j5pdXNaGfGx20TuWSrckN18mc/edit?usp=sharing

Every month I would just look at the first page and buy/sell cryptocurrencies according to what it said. I set up the spreadsheet so that it would show exactly what I needed to buy/sell to update the overall fund. It took me about 20 minutes to make the trades.

Throughout the years I had a few friends that invested in this index fund as well. I just put their money into the same accounts, and had my spreadsheet track what percentage of the fund was theirs, as well as how much of each individual cryptocurrency was theirs.

I did this for free, and only did it for close friends. I just wanted to help them have the mathematically safest cryptocurrency exposure.

When I surrendered all of my cryptocurrency to the DOJ I was **adamant** that the cryptocurrencies listed on the spreadsheet were not mine, and I would only surrender these cryptos if I was assured that they would be returned to the rightful owners. Mr. Hunter assured me that the DOJ was not interested in holding the innocent citizens' funds, and returning them to their rightful owners would be "simple."

There are 12¹ cryptocurrencies, total value of about \$43,000 currently held by the DOJ that belong to these 6 innocent citizens. The exact breakdown of who owns what how much of each crypto is contained in the spreadsheet linked above, but I've simplified that information in this easier-to-read spreadsheet:

SIMPLIFIED 3RD PARTY INDEX FUND:

¹ I surrendered all 19 cryptocurrencies during my proffer session, but upon my release I was surprised to find 7 of them still in my accounts. They were the least valuable, with a total worth of just a few hundred dollars. But that is the reason why only 12 cryptocurrencies need to be released to third parties.

Proposed Method(s) to most easily return these funds:

Since these 6 individuals don't have wallets set up for all 12 of these 'obscure' cryptocurrencies, these 12 cryptocurrencies should be *liquidated into bitcoin*, and the *bitcoin sent* to these 6 individuals.

I don't know if it is 'easier' for the **DOJ** to do the liquidation and distribution, or for the DOJ to send the 12 cryptos to **me** for liquidation and distribution. I know that having me distribute the funds is less work for the DOJ, but if there are bureaucratic rules preventing this, then DOJ Agents are fully capable of liquidating then contacting these 6 individuals for their deposit addresses.

The "Simplified" index fund spreadsheet shows how much of each crypto belongs to the 6 individuals AND shows the sum total owed if the DOJ can liquidate them then contact these individuals for their BTC deposit addresses. I will help either way until the crypto sums are returned to their rightful owners.

If I (JAMES BARLOW) am to liquidate and distribute:

	AREOW) am to nea	
Total Coins		
		DOJ: PLEASE RETURN THE FUNDS TO THE FOLLOWING ADDRESSES. I WILL LIQUIDATE TO BTC AND DISTRIBUTE THE SUMS TO RIGHTFUL OWNERS.
26.90996146	wBTC (on Ethereum)	0xDe4D2E9B03413b62f57fA7792B73fA51857EABC2
25.53245664	ETH (on Ethereum)	0xDe4D2E9B03413b62f57fA7792B73fA51857EABC2
175.139117	BNB (on Binance Smart Chain)	0xDe4D2E9B03413b62f57fA7792B73fA51857EABC2
1003546.046	Cardano	addr1q9ju6q82mmn3nea5gndfwe5kx7zek07rdyh6jmhj59xsy 3n9e5qw4hh8r8nmg3x6janfvdu9nvlux6f049h09g2dqfrqtjq0a5
11092.26642	Polkadot	15vPthGub9eYWUH4A2ba2VDDXLsh2QJmYXd25NuuzTLg SH2g
51348.46693	XRP	rfPJw4Awr1XSkA8Ko1krYqHRwi8husr75m
217.0544918	Litecoin	LSiVy7oQFLXySifxHjQZZWj3qdg22ZFjf6
478.5856	LINK (on Ethereum)	0xDe4D2E9B03413b62f57fA7792B73fA51857EABC2
20.7469964	Bitcoin Cash	qpy6ru63k2j4s39km4z0qpu3ngdgc05f9ujt4c6prt
25866.15181	Stellar	GBHJTOCWNMMUSZH6WSYSJE4OPBF0ETDA3Z2E5UR UE6JVDP7Q7KQIWBW5
74078.535	VeChain	0x87373Cec91834CF0525d812f3321AE22E9770b38
3105.3	CRO (on Ethereum)	0xDe4D2E9B03413b62f57fA7792B73fA51857EABC2

OR if the DOJ is to liquidate and distribute:

Symbol	Craig Johnson	Bianca Graulau	Faune Thurman	Nicholas Quick	Jesse Steele	Dwight Calwhite
	6.362	18.34	2.125	14.22	52.998	19.6111
wBTC	0.0832674465	0.240038505	0.02781253125	0.186114915	0.6936510735	0.2566749796
ETH	0.5142211831	1.48236663	0.1717573113	1.149359513	4.283667756	1.585105791
BNB	0.6891455183	1.986628231	0.2301845688	1.540340973	5.740857306	2.124316516
ADA	142.6206858	411.1385377	47.63737146	318.778081	1188.087253	439.633532
DOT	4.127195385	11.89763649	1.378542941	9.224885	34.38118532	12.72223222
XRP	203.5530736	586.7908472	67.98967014	454.970875	1695.678371	627.4598683
LTC	0.2976842148	0.8581465732	0.0994308325	0.6653677356	2.479828358	0.9176225879
LINK	1.86189783	5.367369728	0.6219008	4.161613824	15.51035228	5.739368837
ВСН	0.08337960856	0.2403618392	0.027849995	0.1863656136	0.6945854282	0.2570207233
XLM	101.4348408	292.4104025	33.88070367	226.721697	844.9927214	312.6766436
VET	288.2735077	831.0179396	96.28752026	644.3334297	2401.433411	888.6137358
CRO	112.661401	324.773671	37.63053713	251.8147002	938.5144502	347.2829302

Dates that 3rd party funds went into the index fund:

lenorajo5@gmail.com (Craig and Lenora Johnson)

Who/When/Code	Date	Then-USD Value	Then-BTC value	
x- Craig&Mom (minus \$1k)	11/20/2017	\$2,000	₿ 0.24245951	

Explanation:

This entry is different from all the following ones, since this addition to the fund was a **gift** from me (rather than a transfer of Cryptocurrency, US Dollars, or Goods/Services). I'm confident my spreadsheet/wallet records show that *this gift came from the several hundred BTC I owned before the start of Illicit activities, rather than cryptocurrency proceeds from selling a scheduled substance.* However, I will understand if rules of "comingling" prevent the return of these specific funds to my Mother and Stepfather.

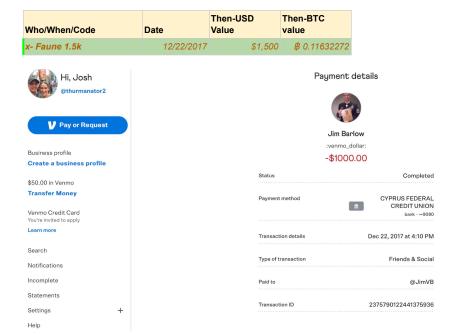
Bianca Graulau (Friend)

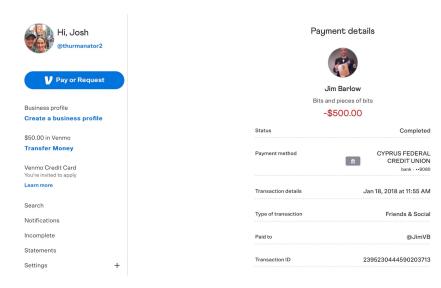
Who/When/Code	Date	Then-USD Value	Then-BTC value
x- Bianca Graulau 6k	11/29/2017	\$6,000	₿ 0.61542249

Explanation:

Bianca was my girlfriend at the time, and she transferred \$6,000 of her Cryptocurrency savings to me to invest on her behalf. I believe she sent me the \$6k in Bitcoin. The annotated record of this specific transfer will be found on one of the empty wallets that are stored on a laptop that is, at the time of this writing (25NOV2022), still stored with Homeland Security.

faunebar@hotmail.com Faune Thurman (Sister)





jesseandcookie@gmail.com Jesse Steele and Melissa Steele (Friends)

Who/When/Code	Date	USD Value (then)	BTC value (then)	Qty Index
		\$10,998	₿ 1.06202335	52.9984
x-Jesse Steele	8/8/2020	\$3,969	₿ 0.40165048	19.9134
x-Jesse Steele	8/9/2020	\$5,000	₿ 0.50599199	25.0850
x-Jesse Steele	10/22/2020	\$2,029	₿ 0.15438088	8.0000

Index fund paid for as follows:

- 8/8/2000: Mr Steele had been trying to replicate my index fund on his own for several
 months, and expressed his frustration. We agreed that it would be easier for me to
 include his funds with mine, so he sent me various cryptocurrencies totaling \$3,969. The
 annotated record of this specific transfer will be found on one of the empty wallets that
 are stored on the laptop that is, at the time of this writing (25NOV2022), still held by
 Homeland Security.
- 8/9/2020 I bought \$5000 from his clothing store (https://www.funstigators.com/). Rather than paying him cash for the items, we put the \$5000 owed into the index fund. This

- agreement was verbal, but if helpful I can take a photo of the \$5k worth of goods currently residing in my closet as proof of the exchange.
- 10/22/2020 Mr. Steele gave me a little over \$2k in various cryptocurrencies to be
 included in the fund. The annotated record of this specific transfer will be found on one
 of the empty wallets that are stored on the laptop that is, at the time of this writing
 (25NOV2022), still stored with Homeland Security.

Dwight Calwhite (Friend)

Who/When/Code	Date	USD Value (then)	
		\$6,870	
x-Dwight Sept Utilities	9/30/2020	\$960	
x-Dwight Oct Utilities	10/31/2020	\$2,475	
x-Dwight Nov Utilities	11/30/2020	\$396	
x-Dwight Dec Utilities	12/31/2020	\$853	
x-Dwight Jan Utilities	1/31/2021	\$658	
x-Dwight Feb Utilities	2/28/2021	\$921	
x-Dwight Mar Utilities	3/31/2021	\$607	

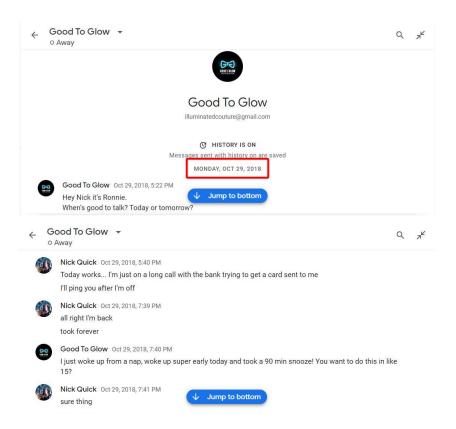
These deposits are from the times that Dwight paid my share of the household rent, bills, or both - and I put an equivalent amount of money in the index fund.

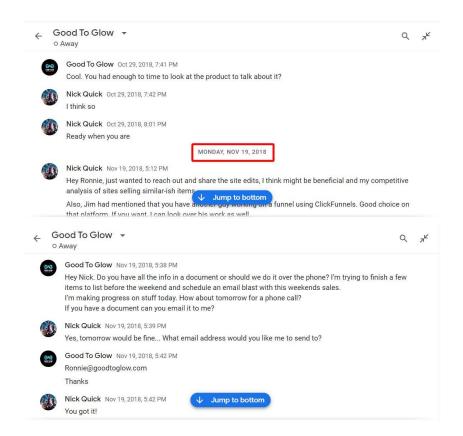
Nick Quick (Friend)

x- Nick Quick	11/15/2018	\$500	₿ 0.08899734	3.468
x- Nick Quick	12/1/2018	\$1,000	₿ 0.23851105	10.752

Both of these deposits into the index fund are in exchange for services. On the two dates above we negotiated a rate for him to write specific advertising copy for both my nutraceutical website http://NutraHQ.com and the clothing website http://goodtoglow.com. The documents created by Mr. Quick for this transaction will be found on the desktop computer that is, at the time of this writing (25NOV2022), still held by Homeland Security.

Conversations relating to Mr. Quick's work:





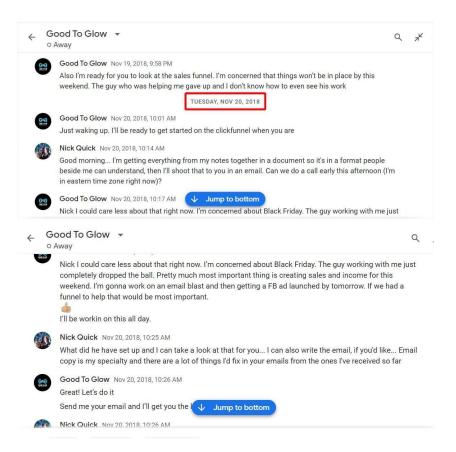


EXHIBIT D

